REMARKS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

Claims 9 and 10 have been cancelled without prejudice and claims 12-15 and 17 have been revised to depend from claim 11. Claim 11 has been amended to correct a typographical error - support for the recitation of "between 10 and 100 μg of estradiol" is found, for example, in the claims as originally filed. That claims have been revised/cancelled should not be taken as an indication that Applicants agree with any position taken by the Examiner. New claim 26 has been added. The new claim finds support throughout the specification, including in claim 11 as originally filed.

The Examiner's comments regarding the Information Disclosure Statement (IDS) filed September 1, 2006 are noted. As Applicants understand it, the references listed on the PTO/SB/08a Form submitted with that IDS that are duplicates of those submitted with the IDS filed October 26, 2005 have, in fact, been considered in response to the earlier filed IDS. As Applicants further understand it, the references listed on the PTO/SB/08a Form submitted with the September 1, 2006 IDS that are not duplicates have been considered. Should Applicants' understanding be in error in any way, the Examiner is respectfully requested to so indicate in the next communication.

The specification has been amended at page 12 to include the heading: BRIEF DESCRIPTION OF THE DRAWINGS. The Examiner comment regarding further amending the specification to relocate the description of the drawings is noted, however, attention is directed to the fact that referenced specification layout is "suggested", not required. Since no confusion is

seen to result from the present positioning of the description of the drawings, no revision is believed to be necessary.

The title has been revised so as to be more indicative of the subject matter of the claims currently under consideration.

Claims 9, 12, 13 and 17 stand rejected under 35 USC 102(b) as allegedly being anticipated by Oettel et al. Withdrawal of the rejection is submitted to be in order in view of the above noted claim revisions and further in view of the comments that follow.

Claim 9 has been cancelled (as has claim 10) and claims 12-15 and 17 have been revised to depend from claim 11, which is not subject to this rejection. Accordingly, reconsideration and withdrawal of the rejection are requested.

Claims 10, 11 and 14-16 stand rejected under 35 USC 103 as allegedly being obvious over Oettel et al in view of Orsolini, Pike et al, Cameron et al, and as further evidenced by Khosla et al. Withdrawal of the rejection is submitted to be in order for the reasons that follow.

Applicants respectfully submit that nothing in cited documents, taken alone or in combination, teaches or would have suggested the invention claimed in claim 11, or claims depending therefrom. Nothing in the combination of references upon which the Examiner relies would have suggested the recited two phase release conditions of the estrogenic composition, with a release ratio of the composition between the first and second phase.

In rejecting the claims as obvious, the Examiner makes reference at several points to "slow release" – indeed, it appears that the Examiner considers that this is the sole requirement of the compositions of the claimed method. This is simply not the case, as will be clear from a careful reading of the claims (particularly in the context of the estrogenic composition). Further,

the "low amount" of estrogen allegedly disclosed by Khosla et al does not cure the fundamental failings of Oettel et al, Orsolini, Pike et al and Cameron et al.

Differences between the invention of the instant claims and Oettel et al are acknowledged by the Examiner on page 7 of the Action. The Examiner's assertions to the contrary, these differences not remedied by teachings or suggestions of any other of the cited art, taken alone or in combination. Nothing in the cited documents provides a reason or motivation for requiring an estrogenic composition with no initial burst of release and, although knowledge may have existed relating to sustained release compositions generally, it would not have been obvious to prepare and formulate an estrogenic composition without an initial burst leading to excessive estrogen levels.

The rationale for the very specific requirements of the present claims is presented in the instant specification (paragraphs [0024]-[0029] of the published US application). At paragraph [0027] it is stated that:

> one of the drawbacks of sustained release formulations is that they almost inevitably show a bimodal kinetics of drug release, comprising an initial burst of release that is followed by a prolonged phase of sustained release at a considerably lower rate. Such a release profile would be dissuasive enough for contemplating the use of such formulations for the present purpose.

It would thus not have been obvious for a person of skill in the art at the time of the present invention, even with the knowledge of the presently cited documents, to have opted for and then prepared a sustained release estrogen formulation for the intended purpose of treating prostate cancer while minimizing side effects to the extent possible. Estrogens were known to be toxic to prostate cancer patients (para [0025]), so extreme caution was/is required not to

administrate too high a dose, even for a short period such as a burst. This does not appear anywhere.

Contrary to the Examiner's assertions on page 9 of the Action, Applicants find no mention of GnRH or of sustained release compositions in Cameron et al (the '412 patent), the focus of which is on the chemical synthesis of new estrogen agonists, neither is the estrogen dose used in the presently claimed method disclosed or suggested by this reference (wherein preference starts at 250 micrograms (0.25mg) per day).

The Examiner is urged to give careful consideration to the foregoing comments. It is believed that, having done so, the Examiner will find withdrawal of the rejection to be in order.

This application is submitted to be in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

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